

Exhibit 2

Amie L. Carrier, D.V.M.
9/20/2011

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DR. AMIE CARRIER, *
Plaintiff, *
*
vs. * CASE NUMBER:
* 8:11-cv-00129-DKC
VCA ANIMAL HOSPITALS, INC., *
Defendant. *

The Videotaped Deposition of AMIE L. CARRIER, D.V.M., was taken on Tuesday, September 20, 2011, commencing at 10:40 a.m. at the law offices of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., 1909 K Street, N.W., Suite 1000, Washington, D.C., 20006 before Cappy Hallock, Registered Professional Reporter, Certified Realtime Reporter, Certified Livenote Reporter, and Notary Public in and for the District of Columbia.

Reported by:

Cappy Hallock, RPR, CRR, CLR

Amie L. Carrier, D.V.M.
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1	APPEARANCES:	1 videographer, Ron Meek, representing Al Betz &
2		2 Associates.
3	On behalf of the Plaintiff:	3 Will the court reporter please swear
4	NEIL S. HYMAN, ESQUIRE	4 the witness.
5	LAW OFFICE NEIL S. HYMAN LLC	5
6	4416 East West Highway, Suite 400	6 Whereupon --
7	Bethesda, Maryland 20814	7 AMIE L. CARRIER, D.V.M.,
8	301-841-7105 (P) 301-986-1301 (F)	8 A Witness called for examination, having
9	neil@neilhymanlaw.com	9 been first duly sworn, was examined and testified
10		10 as follows:
11	On behalf of the Defendant:	11 EXAMINATION BY MR. FLOOD:
12	JOHN B. FLOOD, ESQUIRE	12 Q. Dr. Carrier, good morning.
13	OGLETREE, DEAKINS, NASH, SMOAK &	13 A. Good morning.
14	STEWART, P.C.	14 Q. And you understand you are here for a
15	1909 K Street, N.W., Suite 1000	15 deposition and it's part of the lawsuit you filed?
16	Washington, D.C. 20006	16 A. Correct.
17	202-887-0855 (P) 202-887-0866 (F)	17 Q. And can you just state your full name
18	john.flood@odnss.com	18 for the purposes of the transcript.
19		19 A. Sure. It's Amie, A-i-m-e, L. Carrier,
20	Also Present:	20 C-a-r-r-i-e-r, and then you can either do comma
21	Cheryl Smith, VCA	21 D.V.M., or sometimes at the beginning it's just
22	Ron Meek, Videographer	22 Dr. Amie Carrier.
23		23 Q. And D.V.M. means?
24		24 A. Doctor of Veterinary Medicine.
25		25 Q. And I'm planning to call you
	Page 3	Page 5
1	PROCEEDINGS	1 Dr. Carrier, if that's all right with you?
2		2 A. Yeah. You can call me Amie, that's
3	THE VIDEO OPERATOR: I will make a	3 fine.
4	brief introduction and then the court reporter	4 Q. I appreciate your flexibility. I may
5	will swear in the witness.	5 slip and go from one to the other, too.
6	This is Disk 1 in the video deposition	6 A. That's fine.
7	of Dr. Amie Carrier, in the matter of Dr. Amie	7 Q. I know you sat in part of the
8	Carrier versus VCA Animal Hospital, Incorporated,	8 deposition with Ms. Smith and so you saw how that,
9	filed in the United States District Court for the	9 you know, proceeded, if you will. I want to give
10	District of Maryland.	10 you just a few, the lawyers typically refer to
11	Today's date is September 20, 2011.	11 them as guidelines, so it's just some things that
12	The time is 10:40 a.m. We are located at the Law	12 we will try to operate under today that I think
13	Offices of Ogletree Deakins, 1909 K Street,	13 will help us go more quickly, and make sure it is
14	Northwest, Washington, D.C.	14 clear, and that you understand what is going on.
15	Will counsel please identify	15 The first would be, if you could please
16	themselves, beginning with the attorney giving	16 let me finish answering -- asking my question
17	notice.	17 before you start to answer. I will try to do the
18	MR. FLOOD: John Flood from Ogletree	18 same to you when you're answering a question
19	Deakins, Nash, Smoak & Stewart on behalf of the	19 because that way it will be more clear for our
20	defendant, and with me is Cheryl Smith, a business	20 court reporter. Okay?
21	representative from VCA.	21 A. Um-hmm.
22	MR. HYMAN: Neil Hyman, on behalf of	22 Q. Yes?
23	the plaintiff.	23 A. Yes.
24	THE VIDEO OPERATOR: Also present are	24 Q. That's guideline number two.
25	the court reporter, Cappy Hallock, and the	25 The counsel are laughing because we

2 (Pages 2 to 5)

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<p style="text-align: center;">Page 42</p> <p>1 A. Yes.</p> <p>2 Q. And is there anything about taking that 3 that you think would impact your memory, your 4 ability to recall past events, other than I know 5 you described sort of the memory issues that were 6 occurring at the time.</p> <p>7 A. No. No. Keppra has been fantastic for 8 me.</p> <p>9 Q. Okay.</p> <p>10 A. It doesn't have -- I haven't had any 11 side effects that I know of.</p> <p>12 Q. Have you consumed any other medicine 13 this morning?</p> <p>14 A. Yes. I am hypothyroid, and I am on .01 15 milligrams of Synthroid every morning.</p> <p>16 Q. Synthroid?</p> <p>17 A. Yes.</p> <p>18 Q. To your knowledge, does that impact 19 your memory?</p> <p>20 A. No.</p> <p>21 Q. Anything else?</p> <p>22 A. I take a bunch of vitamins for my 23 immune system, hair, nails, women's calcium, that 24 kind of thing, but no medication.</p> <p>25 Q. Did you take anything last night to</p>	<p style="text-align: center;">Page 44</p> <p>1 actually proud that I could function on just a 2 couple hours of sleep.</p> <p>3 When I was diagnosed with epilepsy, one 4 thing that both the neurologists that I went to 5 wanted to know was, did I have a history of 6 walking in my sleep, talking in my sleep, and I 7 said, yes, I did, and my dad did. And so they 8 felt that that was significant.</p> <p>9 I guess somehow -- it all somehow ties 10 in together, this sleep thing and epilepsy, and 11 they also said it was imperative that I get a good 12 eight hours of sleep at night.</p> <p>13 So at that point the whole two to four 14 hours of sleep and no big deal became a big deal 15 to me. It panicked me that if I didn't get enough 16 sleep that I was going to start having seizures. 17 So that's when they had to start prescribing 18 medication. But I think part of the medication 19 was -- in my own -- I don't know, my own feeling, 20 I thought that some of it was I was partially 21 psyching myself out, because I would sit there and 22 think, okay, I have to go to sleep, I have to go 23 to sleep, and when I didn't fall to sleep I would 24 get really nervous.</p> <p>25 So I have been to therapists, sleep</p>
<p style="text-align: center;">Page 43</p> <p>1 help you sleep?</p> <p>2 A. Last night, no, actually I didn't. 3 Usually I will take at least like a Benadryl 4 because I have been having this post-nasal drip, 5 but actually last night I didn't because I was so 6 exhausted I fell asleep with my son before I was 7 able to.</p> <p>8 Q. I saw in some of the records you 9 provided there were issues relating to your 10 sleeping and difficulty going to sleep.</p> <p>11 A. Right.</p> <p>12 Q. How long has that been a problem for 13 you?</p> <p>14 A. That has been forever. And it's not a 15 simple story --</p> <p>16 Q. Can you define forever?</p> <p>17 A. Sure. That's why I say it was not a 18 simple story.</p> <p>19 When I was a kid I used to talk in my 20 sleep and walk in my sleep. My dad does that as 21 well, and you will see the significance of that in 22 a second. And then throughout all of high school, 23 undergrad, vet school, internship, I had always 24 gotten maybe about two to four hours of sleep a 25 night, and it wasn't a big deal to me, and I was</p>	<p style="text-align: center;">Page 45</p> <p>1 therapists. I have gone to sleep doctors. I have 2 had several different doctors prescribe different 3 things, using lavender candles, spraying on 4 lavender and chamomile scents onto my pillowcases.</p> <p>5 Q. Who all have you -- you used the term 6 therapists.</p> <p>7 A. Yes.</p> <p>8 Q. Who all have you seen?</p> <p>9 A. Kathy Wallens, who I --</p> <p>10 Q. Can you spell her last name?</p> <p>11 A. It's W-a-l-e-n-s. And I've been 12 seeing her since January of 2010.</p> <p>13 Q. What type of therapy does she provide, 14 sleep therapy?</p> <p>15 A. She kind of focuses -- yeah, sleep 16 therapy. She focuses on all types of therapy, but 17 her thing is kind of like meditation, trying to 18 meditate yourself into a comfortable spot where 19 you are able to be relaxed enough to just fall 20 asleep.</p> <p>21 And then there is Dr. Yan, and he is a 22 sleep doctor and he is also a neurologist. And 23 then there is Dr. Luban, who is also a 24 neurologist, and he would probably kill me if he 25 knew I was saying this. I had said to him, well,</p>

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1 certification yet. 2 Q. Anyone else you recall talking to about 3 that issue? 4 A. No. 5 Q. Did you call up anyone back at Auburn, 6 for example, and talk to them; any of your prior 7 references? 8 A. No. I was pretty -- there was -- no. 9 I had a -- 10 Q. Okay. 11 A. You know, just -- 12 Q. And talk to anyone back at the 13 University of Tennessee? 14 A. No. I'm trying to make sure I'm 15 telling you correctly, but I didn't talk to -- I 16 didn't tell any of my friends. I didn't tell any 17 of my professors. 18 Q. Okay. 19 Now, you mentioned, I wrote down before 20 you mentioned something about a blog. Do you keep 21 a blog? What is that about? 22 A. On my Facebook -- actually, it's not 23 even Facebook, it was Myspace back then. I had 24 written a blog about coming down to Maryland and 25 meeting all the doctors and how awesome it was,	1 MR. FLOOD: Yes. And I don't know what 2 we -- I have got a ways to go still so I'm not 3 sure in terms of the lunch break. 4 MR. HYMAN: Is now good? 5 MR. FLOOD: I think now is fine. 6 Forty-five minutes? 7 MR. HYMAN: Sure, yes. 8 THE VIDEO OPERATOR: We are now going 9 off the video record. The time is 1:12 p.m. 10 (Recess taken -- 1:12 p.m.) 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
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1 and how everyone was so cool, and everyone was 2 young and happy and up for doing, you know, stuff. 3 I tend to be a little kind of do 4 whatever I can to make somebody laugh, like do 5 something stupid, like pretend to walk into a wall 6 or whatever, and, you know, they liked it. They 7 laughed at things like that. So I had blogged it 8 out how the people I was going to be working with 9 were really cool. 10 Q. That is referring to when you came for 11 the visit -- 12 A. Um-hmm. 13 Q. -- in 2007? 14 A. Um-hmm. 15 Q. Yes? 16 A. Yes, sir. 17 Q. Okay. And so did you do any blogs 18 after that regarding any issues relating to VCA? 19 A. No. 20 Q. Nothing, no blogs about this lawsuit? 21 A. No. 22 Q. Okay. 23 A. I haven't told anyone about this lawsuit. 24 MR. HYMAN: Can we take a short break?	1 AFTERNOON PROCEEDINGS (2:09 P.M.) 2 THE VIDEO OPERATOR: We are now back on 3 the video record. The time is 2:09 p.m. 4 BY MR. FLOOD: 5 Q. Dr. Carrier, while you were working at 6 VCA, you had -- you took a couple of periods of 7 leave, and I don't know if you -- if you formally 8 called them medical leave or some other sort of 9 leave; is that right? 10 A. Yeah. We called it medical leave. 11 Q. Okay. And do you remember when that 12 was? 13 A. I don't have any exact dates. 14 Q. Was it generally late December on into 15 January 2007 to 2008? 16 A. Say that again. 17 Q. Late December '07 until sometime in 18 January 2008? 19 A. Yes. 20 Q. And then a second time, was it in May of 2008? 21 A. Correct. 22 Q. Were there times when employees at VCA encouraged you to take time off if you needed it?

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<p>1 A. It was after my second leave. 2 Q. After. Do you remember when it was? 3 A. No. You mean when my seizure -- when 4 that happened? 5 Q. Right. 6 A. I don't remember. 7 Q. What -- what do you recall happening 8 then? 9 A. Really -- I mean really nothing. To be 10 honest with you, I don't recall anything about my 11 seizures. It's just I will wake up and have this 12 feeling of I just had a seizure. And it's kind of 13 like, okay, I woke up in the bathroom and, you 14 know, my back really hurt, or the back of my head. 15 I think one time I had, you know, banged my hand 16 really good. One time I had -- the back of my 17 head I had split open, it was bleeding. 18 Q. At work? 19 A. Yeah. 20 And, you know, so there is a lot of 21 things that -- you know, and I would assume okay, 22 I just had a seizure. 23 Q. When you were -- that last incident 24 you're recalling in the bathroom -- 25 A. Yeah.</p>	<p>1 issue with epilepsy, it impacted your driving for 2 at least a period of time? 3 A. Yeah, I mean -- 4 Q. Is that right? 5 A. Yeah. I wouldn't feel -- I still 6 don't, even though I haven't had a seizure in over 7 a year, I still am nervous about driving. 8 Q. Are you legally permitted to drive? 9 A. Yes. Yes. 10 Q. Was there a time when you were not 11 legally permitted to drive? 12 A. Yes. 13 Q. When was that? 14 A. When I first had my seizure, there is a 15 three-month period where I wasn't supposed to 16 drive, and that's it. So if I have the chance to 17 drive the car or I'm going to take a ten-mile run 18 and go to the store, I will run and go to the 19 store and come back. 20 Q. So aside from the three-month period 21 you mentioned, you haven't been legally precluded 22 or prohibited from driving? 23 A. Right. 24 Q. And you mentioned you sort of did 25 everything -- you didn't do anything differently.</p>
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<p>1 Q. -- did someone come and talk to you? 2 Did someone see you? 3 A. No. 4 Q. No. 5 A. Just got up -- I mean, the only thing 6 that I did differently -- there is two things. 7 One thing that's a problem is that as I 8 was rotating between doing these different shifts, 9 the medication that they had me on I was supposed 10 to take before I went to bed, so sometimes that 11 was 10 o'clock at night, sometimes that was 2 12 o'clock in the morning. So that presented a 13 problem, as far as the consistency with which you 14 take your antiepileptics. 15 And the other thing, the other thing 16 about having these seizures was that I just didn't 17 drive, I walked everywhere. But I didn't do 18 anything differently. I had my dogs. My dogs. I 19 had a dog from Alabama that was an epilepsy dog, 20 that I pretty much kept -- tried to keep with me. 21 Q. The dog had epilepsy? 22 A. No. The dog would tell me when I was 23 going to have a seizure. 24 Q. Oh, okay. 25 And so the condition, your medical</p>	<p>1 Is that in relation to your job? Is that what you 2 were talking about, or -- 3 A. In relation to my job, my life. There 4 wasn't anything, like I didn't have a form where I 5 walked out and said, okay, I just had a seizure, 6 whatever, and checked it. I didn't ask to go home 7 or anything after I had a seizure. I didn't -- I 8 really didn't do anything differently. 9 The only thing now, now when I know 10 that a seizure is coming on, I can take some 11 Gabapentin and Klonopin to try to prevent that 12 from happening. 13 Q. And so from your perspective you feel 14 you were still able to do your job, it wasn't 15 interfering with your ability to do your job? 16 A. Right, once I was coherent. I don't 17 want you to think that I pop out of it. It's not 18 that. I had said that it takes a couple minutes 19 for me to actually kind of get my bearings and 20 figure out, okay, this is what just happened. All 21 right. 22 Q. And so it may be -- has anyone 23 described for you -- let me back up. 24 It sounds like you don't really recall 25 any particular seizure, in the sense of being able</p>

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<p>1 to tell us how long the seizure itself lasted. 2 A. I can tell you -- I can tell you 3 about -- when Dave witnessed my first seizure. 4 Q. Okay, that's what I'm getting to. 5 A. Which he witnessed from beginning to 6 end. 7 Q. That's what I'm getting to. You 8 yourself can't describe that based on your own 9 awareness? 10 A. No. There is no awareness when you 11 have a seizure. 12 Q. So the first one that you're aware of 13 was December of 2007? 14 A. Um-hmm. 15 Q. Yes? 16 A. Yes. 17 Q. And Dave, being Dave Silbert, described 18 it for you? 19 A. Correct. 20 Q. And do you recall how he described it 21 to you? 22 A. I do. He said that I all of a sudden 23 turned my head, very quickly, all the way over to 24 the right, and I stopped breathing, I turned blue, 25 and I was extremely stiff, and I fell down onto</p>	<p>1 prior to that happening. 2 Q. While you were at VCA did you have 3 scheduled hours? 4 A. Yes. 5 Q. Okay. What were those, and I'm asking 6 it understanding that it may have varied at times. 7 A. 7 o'clock rounds, 7 a.m. rounds, and 8 then depending on whatever you're on in the 9 morning. If you're on internal medicine or 10 neurology or whatever, that was typically 8 to 6, 11 and then if you were on emergency critical care 12 and you came in at 2 you were there until 12. 13 And, you know, it just kind of depended on what 14 came through the door as to what time you left. 15 There is a ton of paperwork that needed 16 to be done, so for every patient that came in you 17 needed to talk to -- you needed to have 18 communications with the RDVM, with the owners, 19 with the seniors on your rotation, with the 20 technicians that need to do work on that patient, 21 with the people that are taking care of that 22 patient in the ward, and then have an official 23 transfer for that patient. 24 So with each patient you probably have 25 two or three hours of paperwork and phone calls to</p>
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<p>1 the bed. And he grabbed me and shook me, and I 2 just was extremely stiff and not breathing for 3 about 30 seconds. And he called 911, tried doing 4 CPR on me, and then as I started to come out of it 5 I kind of started to flail like get off me. I was 6 a little, I guess, not combative, but I didn't 7 want anyone in my private area, like, just get 8 away from my face. You know what I mean? 9 Q. Did he describe for you how long 10 that -- part of it was about 30 seconds? 11 A. He said it was 30 seconds. 12 Q. Has anyone else described for you sort 13 of how long what they thought was a seizure 14 lasted? 15 A. Carlos said that he had witnessed it 16 and it had taken about 20 seconds. 17 Q. Okay. And then sort of after, I think 18 you described earlier that, you know, once you're 19 starting to get your awareness back -- those are 20 my words -- that it would take a couple of 21 minutes -- I don't know, how long would it take 22 for you to sort of -- 23 A. Yeah, a couple minutes to be completely 24 clear minded and understand exactly what happened 25 and be back on, you know, the same page I was on</p>	<p>1 make, and that's if they are 2 not stable, you're basically staying by this 3 animal's side until you can get something figured 4 out. So sometimes you don't get back into your 5 office and even start some of the paperwork until 6 3 o'clock in the morning. 7 And so by the time -- this has happened 8 to me so many times I can't even count -- where I 9 would just start the paperwork at about 3 o'clock 10 in the morning and finally be dragging myself out 11 of the hospital as the next day's rounds were 12 starting at 7. 13 Q. And so you wouldn't -- if your shift 14 was ending you wouldn't -- if you were ending at 15 midnight, for example, you wouldn't transfer the 16 patient over to an intern who was there? 17 A. Only if your patient was completely 18 stable would you transfer it, and you wouldn't 19 transfer it until you were getting ready to leave 20 the building. And that's because they are going 21 to call you, whoever -- if it's an ICU or an 22 immediate care ward, they would call you. They 23 are not going to call the intern on duty to make 24 decisions about your case if you're in the 25 hospital. So even though I might be in the</p>

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<p>1 After they discussed this more the father was 2 actually concerned that Amie would kill herself 3 after such a confrontation so they now are against 4 this."</p> <p>5 (Interruption by the reporter.)</p> <p>6 MR. FLOOD: I apologize. I am going to 7 read this again so it's clear.</p> <p>8 Q. Paragraph 1: "I spoke with her mother 9 over the weekend for quite a bit. The parents 10 have changed their minds and are not up for any 11 sort of intervention. After they discussed this 12 more the father is actually concerned that Amie 13 would actually kill herself after such a 14 confrontation so they now are against this."</p> <p>15 And, again, I guess like the prior 16 e-mail, sort of similar, neither of your parents 17 ever talked to you along the lines of expressing 18 concerns, whether you would harm yourself?</p> <p>19 A. No.</p> <p>20 MR. FLOOD: Let's mark this.</p> <p>21 (Carrier Deposition Exhibit No. 5, 22 2-25-08 e-mail, Austin to Smith, VAC000405, was 23 marked for identification.)</p> <p>24 THE WITNESS: Thank you.</p> <p>25 BY MR. FLOOD:</p>	<p>1 said no, they had left, she started screaming and 2 cussing, asking if they were fucking idiots." 3 That's what you are referring to?</p> <p>4 A. I would like to know exactly what that 5 means, that I started screaming and cussing and 6 asking if they were fucking idiots. Screaming at 7 who? Just cussing, like, what does that even 8 mean?</p> <p>9 Q. Do you recall that happening?</p> <p>10 A. No.</p> <p>11 Q. You don't recall.</p> <p>12 A. And I have to say that a lot of this 13 stuff that is always reported by the front desk 14 is -- there is a lot of hearsay that happened at 15 VCA where one person would do one thing and pick 16 up a piece of paper, and by the time it got to the 17 front desk people were gossiping about how you 18 were having intercourse with someone in the 19 bathroom. Like, I'm not joking. That's how 20 things got contrived and went back and forth.</p> <p>21 Q. Okay.</p> <p>22 Do you recall, was -- did you have a 23 seizure that day?</p> <p>24 A. I don't believe so.</p> <p>25 Q. And is there anything about -- and I</p>
Page 131	Page 133
<p>1 Q. This appears to be an e-mail, Margaret 2 Austin to Cheryl Smith, February 25th, 2008. You 3 have had a chance to review it now?</p> <p>4 A. Um-hmm.</p> <p>5 Q. Yes?</p> <p>6 A. Yes.</p> <p>7 Q. And do you recall this incident?</p> <p>8 A. Vaguely.</p> <p>9 Q. What do you recall about this incident?</p> <p>10 A. I don't remember the cat's name, 11 Precious, but I do remember that there was an 12 animal in isolation, and that their owners that 13 kept wanting to talk to me kept showing up every 14 couple of minutes, having me paged, and isolation 15 was basically right outside of my office so I was 16 barely able to do anything because they were 17 always right there.</p> <p>18 I don't recall -- I'm not going to say 19 that I didn't say the F word. I probably did if I 20 was really annoyed.</p> <p>21 Q. And I --</p> <p>22 A. I don't know what you want me to say.</p> <p>23 Q. I mean, this is -- you're referring 24 to -- there is a reference to a sentence here 25 where she said, Margaret apparently said, "When I</p>	<p>1 understand, I guess you're saying you don't recall 2 whether you reacted this way or not. I mean, 3 would there be anything about the medicine that 4 you were taking that you think would have caused 5 you to act this way --</p> <p>6 A. No.</p> <p>7 Q. -- if this is true?</p> <p>8 A. No.</p> <p>9 Q. Okay.</p> <p>10 (Carrier Deposition Exhibit No. 6, 11 4-30-08 letter, Brown to Smith, VCA00130, was 12 marked for identification.)</p> <p>13 BY MR. FLOOD:</p> <p>14 Q. Have you had a chance to look at that?</p> <p>15 A. (Indicating.)</p> <p>16 Q. You have to keep saying yes or no.</p> <p>17 A. Yes.</p> <p>18 Q. I know it's a long day.</p> <p>19 A. That's fine.</p> <p>20 Q. This appears to be a letter or memo or 21 note from Sara Brown referring to an incident on 22 April 26.</p> <p>23 Do you recall this incident?</p> <p>24 A. Yes.</p> <p>25 Q. What do you recall about it?</p>

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1 A. Um-hmm.		1 Q. At work, yes.	
2 Q. If I can just clarify. You remember		2 A. I honestly don't know. I don't know.	
3 having to, or you're not sure or --		3 Q. Okay.	
4 A. I think I had two.		4 Now, at some point -- well, let me just	
5 Q. You think so.		5 show you the e-mail because I think it's more	
6 A. I remember hearing Nicole.		6 clear if I show it.	
7 Q. Okay.		7 (Carrier Deposition Exhibit No. 7,	
8 A. And I remember hearing Sara. You have		8 e-mail chain, 3-5-08 e-mail, Sanders to Smith,	
9 to understand, I mean, when you're having a		9 VCA00128-129, was marked for identification.)	
10 seizure you -- it's not just you have a seizure		10 THE WITNESS: Thank you.	
11 and you don't have a seizure. It's a very -- all		11 BY MR. FLOOD:	
12 of your senses are different, your awareness is		12 Q. We have handed you Exhibit 6, and, Dr.	
13 different, everything is -- time is different.		13 Carrier, the first part of the e-mail is really --	
14 You don't understand exactly what is going on.		14 there is at least one reference to you on the	
15 There is a lot of confusion.		15 first page.	
16 Q. And so from -- do you recall, did you		16 MR. HYMAN: I think this is Exhibit 7.	
17 call Dr. Yan and let -- is it her?		17 MR. FLOOD: I'm sorry. You're right,	
18 A. Him.		18 thank you. It is Exhibit 7.	
19 Q. Him. Did you let him know this had		19 Q. On Page 1, the second paragraph, if you	
20 occurred?		20 will, at the top, it says, "Just between you and	
21 A. Um-hmm. I told him after each one.		21 I, and I cannot remember if I told you this	
22 Q. And do you know the last time, while		22 already, Nicole sent me an e-mail that Amie has	
23 you were working at VCA, you called Dr. Yan to		23 moved out of the boyfriend's, she is back in her	
24 report a seizure?		24 apartment and that she is getting therapy,	
25 A. The last time I was at VCA?		25 although she did not know what kind of therapy."	
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1 Q. Frame of reference. This April		1 Did you move out from sharing a place	
2 incident was before the second medical leave,		2 with David around this point in time, if you	
3 right?		3 recall? So this is -- just my understanding, this	
4 A. Correct.		4 is after that Hawaii trip?	
5 Q. If we look at the date, it's the end of		5 A. Yeah.	
6 April?		6 Q. So early March, after that time.	
7 A. Right.		7 A. I never completely moved out of Dave's	
8 Q. And so do you recall the last time,		8 house, and I never really completely moved in with	
9 while you were working for VCA, that you called		9 Autumn. I was helping Autumn pay rent, and if I	
10 Dr. Yan to report a seizure?		10 needed to I could go over to her place. It was --	
11 A. I think this might have been -- this		11 it was not that I moved in with her. Maybe she	
12 might have been either the last or the		12 would say that I did, I don't know.	
13 second-to-last episode that I had.		13 Q. Okay. And so there is a mention also	
14 Q. This April incident?		14 "she" is getting therapy. Although it says "she,"	
15 A. Yes, I think so, because I went on		15 I think that's Nicole, didn't know what kind.	
16 medical leave, like, a few days after that, I		16 A. Yeah.	
17 think. And I had gone and spoke -- I had an exam		17 Q. Were you getting any type of therapy	
18 and I had spoken with Dr. Yan shortly after that.		18 around this time?	
19 Q. While you were on medical leave?		19 A. The only people I saw with any	
20 A. While I was on medical leave, sure.		20 regularity at this point is really Dr. Yan.	
21 Q. Do you recall -- and I know maybe time		21 Q. Okay.	
22 frame is hard to pin down -- do you recall, did		22 (Carrier Deposition Exhibit No. 8,	
23 you have what you believe to be another seizure		23 2-11-08 e-mail, Brown to Smith, with attachment,	
24 after that second medical leave?		24 VCA00121-123, was marked for identification.)	
25 A. After the second medical leave?		25 THE WITNESS: Thank you.	

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<p>1 And I was, like, okay.</p> <p>2 Q. Was there a time when Dr. Sanders came 3 to your house and found you in bed?</p> <p>4 A. Yes.</p> <p>5 Q. Tell us about that.</p> <p>6 A. I was sleeping, really out of it on the 7 bed, just been started on trileptal.</p> <p>8 Q. So what time frame is this?</p> <p>9 A. It was in the afternoon.</p> <p>10 Q. No, the month and year. If you recall.</p> <p>11 A. January.</p> <p>12 Q. 2008?</p> <p>13 A. Um-hmm.</p> <p>14 Q. Yes?</p> <p>15 A. Yes. 2008.</p> <p>16 Q. Okay.</p> <p>17 A. And I believe that she came in and I 18 think she spoke to Dave for a little bit. I 19 don't -- I don't know what the conversation was 20 about. But I do remember hearing a knock on the 21 door, and then probably about five to ten minutes 22 later, so there was a little period of time before 23 she came up the stairs and she laid down on the 24 bed next to me. And she said your residency is in 25 jeopardy, and you're going to be okay.</p>	<p>1 and I went to the hospital. And I believe -- I 2 want to say the high end of Dilantin is maybe like 3 12 or 15, and then toxic is anything greater than 4 20, I believe, and I was at 42. So I had 5 activated charcoal and IV fluids. And, I mean, 6 I -- that was bad. That was a bad experience.</p> <p>7 Q. So that wasn't while you were at work?</p> <p>8 A. Wasn't while I was at work?</p> <p>9 Q. You taking too much of the medicine and 10 then the symptoms you were describing, acting 11 erratic and so on, was not while you were at work?</p> <p>12 A. No. This all happened, I think it 13 was -- I want to say it was on a weekend or 14 something.</p> <p>15 MR. FLOOD: Let's take a short 16 five-minute break, or ten's fine.</p> <p>17 THE VIDEO OPERATOR: We are now going 18 off the video record. The time is now 3:31 p.m. 19 and ending Disk 2.</p> <p>20 (Recess taken -- 3:31 p.m.)</p> <p>21 (After recess -- 3:52 p.m.)</p> <p>22 THE VIDEO OPERATOR: We are now back on 23 the video record. The time is 3:52. This is the 24 start of Disk 3 in the continuing deposition of 25 Dr. Amie Carrier.</p>
<p>1 It was just very comforting, and, you 2 know, I was so drugged I couldn't even move my 3 mouth to say thank you or, I know, or -- I 4 couldn't communicate with her because I was 5 literally that drugged up on the new antiepileptic 6 medication. And I thought that was very nice of 7 her.</p> <p>8 Q. Do you know, was there any, like, an 9 alcohol bottle in the room near your bed?</p> <p>10 A. Oh, no, I'm sure there wasn't. Why do 11 you ask that?</p> <p>12 I'm sorry, can't ask. Sorry. Sorry.</p> <p>13 Q. Did you ever overdose on any substance?</p> <p>14 A. I overdosed on Dilantin, per my 15 neurologist's order.</p> <p>16 Q. When was that?</p> <p>17 A. I had gone to the ER, maybe April or 18 May, I'm not sure, but there should be 19 documentation from when I had gone to the ER. 20 Basically, what happened was my neurologist had 21 bumped me up from taking three Dilantins to four 22 Dilantins a day, and --</p> <p>23 Q. Is this Dr. Yan or Dr. Luban?</p> <p>24 A. Dr. Luban did this. And then I started 25 acting very erratic and drunk, tripping, falling,</p>	<p>1 BY MR. FLOOD:</p> <p>2 Q. Dr. Carrier, to the best you can, can 3 you tell us the number of seizures you believe you 4 experienced while you were at work -- I will ask 5 it a couple different ways -- while you were 6 actually at work at VCA?</p> <p>7 A. I'm going to guess about ten.</p> <p>8 Q. Okay.</p> <p>9 And why do you think ten?</p> <p>10 A. I'm just trying to think of the times 11 where I had gone to the bathroom and someone said, 12 well, I was looking for you, you know, and I knew 13 I was in the bathroom. And then the times -- the 14 time when I was actually -- when Carlos saw me.</p> <p>15 Q. Carlos, you described that. There was 16 that one, there is the April incident with Sara 17 Brown. We have gone over her memo. And I thought 18 you said you think maybe two -- you sort of 19 experienced two in that same incident?</p> <p>20 A. I don't know if it was like one long 21 one, I don't know exactly.</p> <p>22 Q. But you think there were --</p> <p>23 A. Because at one point during one of my 24 reviews someone had said something to me about I 25 disappear and I go places and people don't know</p>

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<p>1 Q. Okay. 2 I've seen reviews, as I understand it, 3 relating to your performance as a resident. Did 4 you get a copy of those? I mean -- 5 A. Yes, sir. 6 Q. -- I assume at some point someone would 7 sit down with you as you got them and talk to you 8 about them? 9 A. Correct. 10 Q. Do you recall if any of the reviews 11 included a comment about, you know, wanting you to 12 take time off if you needed it or have rest if you 13 needed it, that sort of thing? 14 A. I think if it wasn't actually written 15 down that that was the -- that was the doctors' 16 entire feeling was that if you need something, 17 please let us know. It was the doctors in the 18 emergency, critical care and internal medicine 19 department. 20 Q. Okay. 21 (Carrier Deposition Exhibit No. 16, 22 12-10-08 e-mail, Byers to Smith, VCA00194, was 23 marked for identification.) 24 THE WITNESS: Thank you. 25 MR. FLOOD: This is Exhibit 16?</p>	<p>1 president of the United States being investigated. 2 She subsequently stormed out of the office, 3 presumably went home." 4 Do you recall that -- 5 A. Yes. 6 Q. -- that incident? 7 A. That is the same exact incident that we 8 have talked about several times today, where 9 during rounds I was falling asleep. They had just 10 started me on a new medication. I went back to 11 the residents' office. Nicole talked to me, Nate 12 talked to me, Cheryl talked to me, and then I 13 left, walked home and went back to Dave's house. 14 It's the same thing. 15 Q. And so do you recall when you met with 16 Cheryl? 17 A. Do I recall that day? 18 Q. Do you recall meeting with Cheryl -- 19 A. Yes. 20 Q. -- that day? 21 A. Yes. 22 Q. And did she ask you if your hand was 23 shaking? 24 A. I don't think so. 25 Q. And did she ask you or comment about if</p>
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<p>1 THE REPORTER: Correct. 2 BY MR. FLOOD: 3 Q. When you finish looking at it, let me 4 know. 5 A. Okay. 6 So can I talk or you want -- 7 MR. HYMAN: Let him ask you a question. 8 BY MR. FLOOD: 9 Q. The entry for 12-9-08 -- 10 A. Yeah. 11 Q. -- there is various comments there, you 12 know. Apparently this is from Chris Byers? 13 A. Correct. 14 Q. And so later, let's see, one -- about 15 the third sentence up from the bottom of that 16 paragraph -- well, the fourth sentence up, it 17 says, "After she was asked to go home to rest she 18 came into the residents' office where I was 19 speaking with Dr. New." Do you see that? 20 A. Correct. 21 Q. "She was clearly angered, agitated, put 22 on her coat and picked up her backpack. She said 23 something to the effect of God forbid I'm tired. 24 If anybody else is tired nobody has any issues, 25 but if I'm tired it's like I'm the fucking</p>	<p>1 your speech was slurred? 2 A. I don't believe that she did at that 3 time. She told me that other people were 4 concerned about it, and that she was concerned 5 because they were concerned. I don't know if she 6 said I was shaking, but I know it was said that I 7 was shaking, but at this point I don't know if it 8 was from, you know, someone that said it during 9 rounds or someone that witnessed it in the hall or 10 heard or what. 11 Q. What, to the best you can, what do you 12 specifically recall about any conversation with 13 Cheryl where you're talking with Cheryl? 14 A. She told me that I had to go home. 15 Q. And do you recall what, if anything, 16 you said to her? 17 A. I don't remember specifically saying 18 anything. I just remember being really upset, and 19 I remember feeling like my resident mates had gone 20 behind my back and said something to her to get me 21 to leave. 22 Q. And you don't recall anything else you 23 may have said to her? 24 A. I don't. And -- 25 Q. Okay.</p>

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<p>1 A. I'm not saying that I didn't, I just 2 don't remember. 3 (Carrier Deposition Exhibit No. 17, 4 12-11-08 memo, Conway to file, VCA00202, was 5 marked for identification.) 6 THE WITNESS: Thank you. 7 BY MR. FLOOD: 8 Q. We have handed you Exhibit 17. 9 A. Yes. 10 Q. And you didn't write this yourself, 11 right? 12 A. That's correct. 13 Q. Okay. On its face it appears to be a 14 memo from Tina Conaway -- Conway, I'm sorry -- 15 talking about something that occurred on December 16 9th? 17 A. Correct, it does. 18 Q. Okay. The last paragraph reads, "As 19 Amie was discussing the current problem she was 20 speaking very slowly and at times not clearly, and 21 I asked her what was wrong. She said she was on 22 cold medicines. I offered to take over the case 23 so that she could go home, rest, and get better 24 for tomorrow, but she declined the offer at that 25 time."</p>	<p>1 VCA00203, was marked for identification.) 2 THE WITNESS: Thank you. 3 BY MR. FLOOD: 4 Q. Okay, I have handed you a memo, 5 Exhibit 18. You have had a chance to look at 6 that? 7 A. Yes. 8 Q. Dr. Lippo says that, the latter part of 9 the first paragraph, "On two occasions the problem 10 was so bad that I had asked Dr. Carrier to leave 11 the hospital and get some rest, as I felt she 12 could not perform the duties required of her, and 13 I did not want to endanger the hospitalized 14 patients that would be under her care." 15 Do you recall a couple of times when he 16 asked you or encouraged you to go home? 17 A. The one time was the one we keep going 18 back to where I had left and walked back to 19 Dave's. The second time I have no idea what he 20 is -- what that is in reference to. And I 21 don't -- when was this actually written? What was 22 the date on this? I don't have that on here. 23 Q. To tell you, I don't have a dated copy 24 myself. 25 A. Okay.</p>
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<p>1 A. Um-hmm. Yes. 2 Q. You see that, right? 3 A. Yes. 4 Q. Do you recall that discussion occurring 5 with Dr. Conway? 6 A. I don't remember this at all. I do 7 remember myself having the flu for probably, like, 8 a solid three months during this time, and I was 9 constantly taking some kind of either 10 antihistamine or decongestant or something, but I 11 do not recall this particular incident. 12 I can tell you that all of Dr. Conway's 13 patients have very lengthy histories, though. I'm 14 not surprised by that. 15 Q. Oh, the comments relating to the 16 history? 17 A. Yes. That's definitely something 18 that -- that would be Tina's. 19 Q. Okay. So just to make sure it's clear, 20 you don't recall this particular conversation with 21 Dr. Conway? 22 A. Correct. 23 Q. Okay. 24 (Carrier Deposition Exhibit No. 18, 25 undated letter, Lippo to To Whom It May Concern,</p>	<p>1 Q. So we are not hiding something from 2 you, just so you understand that. 3 So you had what -- I mean, you used the 4 term the flu. You had a flu-type illness for a 5 pretty extended period of time? 6 A. We all -- actually, all of us did. 7 Q. In 2008? 8 A. Yeah. 9 Q. Okay. 10 A. We would get something, someone else 11 would get it. It would go from, like, one floor 12 to another floor, to another room to another room. 13 People were sick. Like, they would get rid of it 14 and they would get it in two weeks. 15 Q. Were you taking medicine at times to 16 try to help you with that, those symptoms? 17 A. Oh, yeah. 18 Q. What kinds of things would you take? 19 A. Sudafed, sometimes I would take 20 Dayquil, sometimes I would take NyQuil, Benadryl, 21 Tavist, sometimes I would do the salt water thing 22 up your nose. 23 Q. Saline solution? 24 A. Yes. No, actual -- did I use an 25 antitussive? I don't believe I used an</p>

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<p>1 A. Um-hmm.</p> <p>2 Q. And, as I understand it, you had taken</p> <p>3 some cold medicine?</p> <p>4 A. Okay.</p> <p>5 Q. Is that correct, that day, do you</p> <p>6 recall?</p> <p>7 A. I'm sorry?</p> <p>8 Q. The day when Cheryl basically said you</p> <p>9 need to go home.</p> <p>10 A. Oh. The day that Cheryl said I needed</p> <p>11 to go home was when I had been switched onto</p> <p>12 trileptal. I had not had any medication other</p> <p>13 than the trileptal that morning. That was purely</p> <p>14 my antiepileptic medication.</p> <p>15 Q. Okay. And you didn't -- you don't</p> <p>16 recall telling Cheryl that you had switched to a</p> <p>17 new medication that morning, or you had taken that</p> <p>18 medication that morning?</p> <p>19 A. No, because she knew that I was on</p> <p>20 medication for my seizures, and I hadn't -- that</p> <p>21 wasn't the first day that I was on that</p> <p>22 medication.</p> <p>23 Q. Okay. But let me be specific. When</p> <p>24 you talked with Cheryl and she was telling you to</p> <p>25 go home --</p>	<p>1 spoke that day, you would agree that could be</p> <p>2 true?</p> <p>3 A. Sure.</p> <p>4 Q. Okay.</p> <p>5 And when you talked with Cheryl and she</p> <p>6 was telling you she wanted you to go home, you did</p> <p>7 not tell her that you had taken trileptal that</p> <p>8 morning, that that could somehow be affecting how</p> <p>9 you were acting that day, correct?</p> <p>10 A. Correct.</p> <p>11 Q. Okay.</p> <p>12 A. I just heard her -- she told me to go</p> <p>13 home and that's what I did.</p> <p>14 Q. Thank you.</p> <p>15 A. I didn't --</p> <p>16 (Carrier Deposition Exhibit No. 21,</p> <p>17 undated handwritten memo, Tovah to file, VCA00198,</p> <p>18 was marked for identification.)</p> <p>19 MR. FLOOD: What time is it? I'm</p> <p>20 getting close to getting done.</p> <p>21 Famous last words. One more question,</p> <p>22 Your Honor.</p> <p>23 MR. HYMAN: I am not going to hold you</p> <p>24 to that, I will just start making faces,</p> <p>25 eventually, rolling my eyes with every additional</p>
<p style="text-align: center;">Page 179</p> <p>1 A. Yes.</p> <p>2 Q. -- you did not tell her you were on</p> <p>3 that medicine and that that could be impacting,</p> <p>4 for example, how tired you were?</p> <p>5 A. I had mentioned -- no, I didn't say it</p> <p>6 to Cheryl because when Cheryl told me to go home</p> <p>7 that's what I did.</p> <p>8 Q. Okay.</p> <p>9 A. I did mention it to Nate, and Nate had</p> <p>10 said, you know what, when we do this to dogs they</p> <p>11 are in a coma for four days, why do you think</p> <p>12 you're any different. Go home, get some sleep. I</p> <p>13 was, like, okay. It didn't matter to me why. In</p> <p>14 retrospect I know that I was completely out of it.</p> <p>15 I should have never gone to work that day but --</p> <p>16 Q. Okay. So if Cheryl said she perceived</p> <p>17 you, saw you shaking, your hand shaking that</p> <p>18 day --</p> <p>19 A. Um-hmm.</p> <p>20 Q. -- you think that could be true?</p> <p>21 A. If she said that?</p> <p>22 Q. Yes.</p> <p>23 A. Sure.</p> <p>24 Q. And if Cheryl said she understood,</p> <p>25 perceived that your words were slurring as you</p>	<p style="text-align: center;">Page 181</p> <p>1 question.</p> <p>2 BY MR. FLOOD:</p> <p>3 Q. Have you had a chance to review this?</p> <p>4 A. I have.</p> <p>5 Q. Okay. So a handwritten note from</p> <p>6 someone named Tovah?</p> <p>7 A. Correct.</p> <p>8 Q. Do you know who that is?</p> <p>9 A. Yes, I do.</p> <p>10 Q. Who is Tovah?</p> <p>11 A. Tovah is an ER nurse.</p> <p>12 Q. And, you know, it appears to be</p> <p>13 describing an event on 12-6-08?</p> <p>14 A. Correct.</p> <p>15 Q. Do you recall this incident with the</p> <p>16 pitbull?</p> <p>17 A. Yes.</p> <p>18 Q. What do you recall about it?</p> <p>19 A. This was the hit-by-a-car puppy that we</p> <p>20 had talked about earlier, and this is the one</p> <p>21 where they said that I didn't go and talk to the</p> <p>22 owners for an hour, but I really had gone and</p> <p>23 talked to the owners, and there is a whole</p> <p>24 confusion as to whether or not to treat or not to</p> <p>25 treat, and the people, they don't look like they</p>

Glacier

Page 1 of 1

Cheryl Smith

**DEPOSITION
EXHIBIT**

Carrier 5

© 9-20-11

From: Margaret Austin [margaret.austin@vcamall.com]
Sent: Monday, February 25, 2008 9:57 AM
To: Cheryl Smith

On Sunday, the Flints came in to visit their cat "Precious" whom was in isolation. While at the front desk they asked if they could speak with Dr. Carrier so they could determine her prognosis and decide what to do. Bess paged Dr. Carrier who told her that she was too busy doing paper work to talk to the Flints and would call them later. The clients weren't very happy about this. They visited their pet and left. I paged Dr. carrier and asked her to please call them as soon as she got a chance as they were trying to decide if they should put the cat down or what they should do. She asked if the clients were any where that they could hear her. When I said no they had left she started screaming and cussing asking if they were fucking idiots. The Flints came back a short time later and said they had just come from the Humane Society, where they apparently had gotten Precious from and they spoke with them and decided to take her back to the Humane Society.

Margaret Austin
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